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8
9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 DEREK V. WILLIAMS,

13 Plaintiff,

14 v.

15 SANTOS LAMAS, *et. al.*,

16 Defendants.

17
18 No. 08-5520RJB/JRC

19
20 ORDER ADOPTING REPORT AND
21 RECOMMENDAITON

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23 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
24 Richard Creatura, and the remaining record, does hereby find and ORDER:

- 25 (1) The Court adopts the Report and Recommendation (Dkt. 20);
26
27 (2) Defendant' Motion to Dismiss Plaintiff's Eighth Amendment claim is **GRANTED**.
28 That claim is **DISMISSED WITH PREJUDICE** from this action for the reasons
29 set forth in the Report and Recommendation (Dkt. 20).
30
31 (3) Plaintiff may **file an amended complaint** regarding his Fourteenth Amendment
32 and Sixth Amendment claims within **thirty days** of this order being signed.
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34 (4) Failure to file the amended complaint will result in dismissal of this action for
35 failure to state a claim, failure to prosecute, and failure to comply with a Court
36 Order.

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38 ORDER ADOPTING REPORT AND RECOMMENDATION- 1

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2 (5) The Clerk is directed to send copies of this Order to plaintiff, counsel for
defendants, and to the Hon. J. Richard Creatura.

3 DATED this 9th day of June, 2009.
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7 ROBERT J. BRYAN
United States District Judge
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